

### **Remarks**

This is in response to the non-final Office Action mailed January 26, 2005.

The Applicant has hereinabove amended the language of independent claims 34, 41 and 47, and added new dependent claims 54-56. Support for these amendments includes the exemplary profile 400 of FIG. 4 and the flow chart of FIG. 5. Upon allowance, the Applicant requests that the claims be renumbered so that each of the new dependent claims is associated with the corresponding base claims from which the dependent claims depend.

These amendments are proper, do not introduce new matter, and serve to place the application in proper condition for reconsideration and allowance.

### **Rejection of Claims Under 35 U.S.C. §§ 102-103**

Claims 34-48 and 51-53 were rejected under 35 U.S.C. §§102, 103 as being unpatentable over various combinations of U.S. Patent No. 5,854,731 to Thomas (“Thomas ‘731”), U.S. Patent No. 5,278,747 to Falt (“Falt ‘747”) and U.S. Patent No. 5,666,066 to Jo (“Jo ‘066”). These rejections are respectfully traversed.

These references fail to disclose, teach or suggest selecting a predetermined value (threshold, level) from a profile of said values that decrease in magnitude during application of power to the load, as now generally featured by independent claims 34, 41 and 47.

Accordingly, reconsideration and withdrawal of the rejections of pending claims 34-48 and 51-53 are respectfully solicited.

### **New Claims 54-56**

Pursuant to 37 CFR 1.111, new claims 54-56 further generally feature application of the recited profile during acceleration of a motor to an operational velocity. Support for these new claims is found including in FIGS. 4 and 5, and in the specification at page 7, lines 14-26, and at page 8, lines 8-10. This is not disclosed, taught or suggested by the art of record.

### **Supplemental Information Disclosure Statement**

A Supplemental Information Disclosure Statement (IDS) is being submitted herewith to submit the following additional references for consideration:

1. 5,117,165 to Cassat;
2. 5,844,388 to Maiocchi; and
3. 5,912,543 to Mahr.

These references were also of record during the prosecution of U.S. Patent No. 6,710,567, which is a continuation-in-part of the present application. The Applicant submits that the claimed subject matter of the present application is patentably distinct over these references, as well as over the remaining art of record.

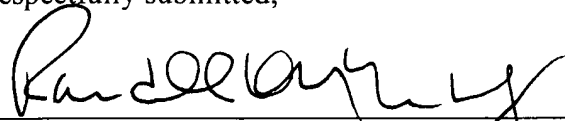
### **Conclusion**

This is intended to be a complete response to the non-final Office Action mailed January 26, 2005. The Applicant respectfully requests reconsideration and allowance of all of the claims pending in the application.

The Examiner is invited to contact the below signed Attorney should any questions arise concerning this response.

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read "Randall K. McCarthy", written over a horizontal line.

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